

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

HENRY A. HARMON
ADC #103609

PLAINTIFF

V. NO. 4:06cv00740 GTE-JWC

RANDY JOHNSON, et al

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition received from Magistrate Judge Jerry Cavaneau and the objections filed in response, and has further reviewed the relevant record de novo. The Findings and Recommendations are adopted in their entirety as this Court's findings.

The Court notes that the Proposed Findings and Recommended Partial Disposition states, "Plaintiff offers no evidence to indicate that Defendant Johnson was even placed on notice that grievances had been filed." In his "Statement of Necessity and Objections," Plaintiff states, "Defendant Randy Johnson was held liable, due to being notified in Plaintiff['s] last grievance; at the top of it, the grievance had forward it to Randy Johnson, Major, Captain of Pulaski County Jail." While the grievance cited by the Plaintiff appears to request that Defendant Johnson be forwarded a copy, there is still no evidence that Defendant Johnson actually received a copy of said grievance.

Accordingly, Plaintiff's claims against Defendants Speer, Rodriguez, Moss, McCray, Wyatt and Randy Johnson are hereby dismissed with prejudice.

Plaintiff's case shall proceed against Defendant Dr. Johnson only. Service is now appropriate for Defendant Dr. Johnson. The Clerk of the Court is directed to prepare a summons for this Defendant, and the United States Marshal is directed to serve copies of the original and amended complaints with any attachments (docket entries #2, #18), and

a summons for Defendant through Humphries and Lewis law firm, P.O. Box 20670, White Hall, Arkansas 71612, without prepayment of fees and costs or security therefor. Should Defendant need copies of other filed documents, they are available from the Clerk's office or may be accessed through the PACER system for the United States District Court.

IT IS SO ORDERED this 16th day of February, 2007.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE